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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,006	09/16/2003	Monty L. Strouts	PDS01 P-103	3905

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EXAMINER

WELCH, GARY L

ART UNIT PAPER NUMBER

3765

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/664,006

Applicant(s)

STROUTS, MONTY L.

Examiner

Gary L. Welch

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment, filed 16 March 2005, has been reviewed and considered. In view of the amendment, the claim objections and prior art rejections raised in the first Office Action are withdrawn. However, an updated search and further review of the prior art of record has prompted the following prior art rejections to the amended claims. Additionally, the drawings are objected to as noted below.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference characters "D2" (page 4, line 10) and "D4" (page 5, line 11) are not disclosed in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

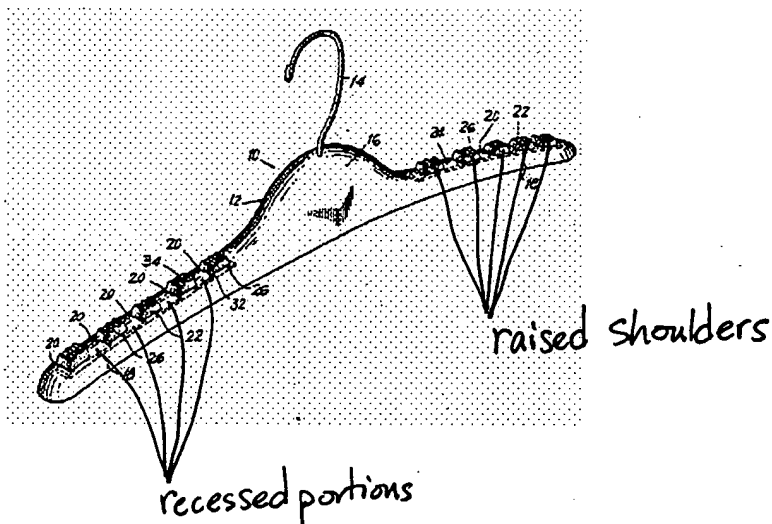
**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

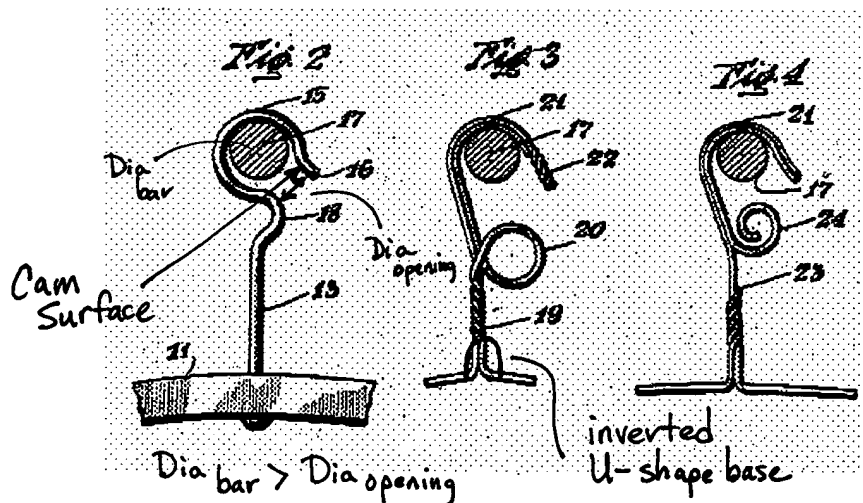
4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolton et al. (U.S. 5,170,916) in view of Steenland (U.S. 2,338,213).

Kolton et al. discloses a garment hanger 10 having a hook 14 with a generally C-shaped portion. The C-shaped portion has an upper portion, a lower portion and an open side between the upper portion and the lower portion for receiving a support bar therethrough. First and second arms 18 extend outwardly from the hook portion 14 for supporting an article of clothing thereon. The lower portion is joined with and integral with the arms at neck 16. The neck is sufficiently stiff so as to substantially remain stationary relative to the upper portion when the hook 14 is urged into engagement with the support bar.



However, Kolton et al. does not disclose that the hook portion is adapted to open the open side for receiving the support bar therethrough and releasably retaining the hook portion on the support bar.

Steenland teaches a garment hanger 10 having a hook 12 with a generally C-shaped portion. The hook 12 is integral with arms for receiving an article of clothing. The C-shaped portion has an upper portion, a lower portion and an open side between the upper and lower portions. As shown in Figure 2, the diameter of the support bar 17 is larger than the dimensions between the upper portion and the lower portion. The hook 12 is adapted to open the open side for receiving a support bar 17 and subsequently closing the open side to its rested state thereby securing and retaining the hanger onto the support bar so as to prevent the hanger and clothing from falling off the support bar due to inadvertent bumping or knocking (Col. 1, lines 1-42).



It would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the hook of Kolton et al. with the hook taught by

Steenland so as to secure and retain the hanger onto the support bar so as to prevent the hanger and clothing from falling off the support bar due to inadvertent bumping or knocking (Col. 1, lines 1-42) thereby keeping the clothing clean and un-wrinkled.

With regard to claim 2, the first and second arms 18 are angled downwardly with respect to the hook portion.

With regard to claim 3, the hook and first and second arms are formed from a wire member (Figure 3).

With regard to claim 4, the wire member has a generally uniform thickness.

With regard to claim 5, the wire member is a plastic wire member.

With regard to claims 6 and 12, each of the first and second arms 18 include a recessed portion for receiving a strap of a garment (see figure above).

With regard to claims 7, 10 and 11, each of the first and second arms 18 include a raised shoulder 26 to provide lateral support to a garment.

With regard to claim 8, the recessed portions are adjacent to the raised shoulders.

With regard to claims 9, 13, 16 and 20, the invention is disclosed in one or more of the above rejected claims.

With regard to claim 14, the open side for receiving the support bar has a greater dimension than the dimension of the open side wherein the support bar is releasably captured in the C-shaped portion when the hook portion is mounted on the support bar.

With regard to claim 15, the upper portion includes a cam surface (see figure above).

With regard to claims 17 and 18, the lower portion forms an inverted generally U-shaped base (see figure above).

With regard to claim 19, the invention is disclosed in one or more of the above rejected claims.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Joseph '653 and Moses '406 disclose a hanger having a C-shaped hook with an upper portion and lower portion wherein the lower portion is connected to two arms extending outwardly therefrom and the lower portion being sufficiently stiff via rigid member 42. Abdi '310 illustrates a garment hanger having a stiffened portion adjacent to the lower portion of a C-shaped hook. Margolin '938, Wolf '019 and Baron '461 disclose a garment hanger having a generally C-shaped hook that is releasably secured to a support bar.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

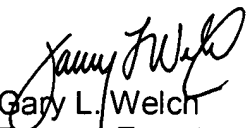
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw